

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DUSTON OMAR MILLER,)
Plaintiff,)
vs.)
WILL HUBBARD,)
Defendants.)
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Case No. 2:16-cv-02051-RFB-GWF
ORDER

This matter is before the Court on Plaintiff's Request to Waive Service of Summons (ECF No. 3), filed on September 9, 2016. Also before the Court is Plaintiff's Motion to Withdraw his Application for Leave to Proceed *In Forma Pauperis* (ECF No. 10), filed on December 13, 2016.

Plaintiff filed an Application for Leave to Proceed *In Forma Pauperis* (ECF No. 1) on August 29, 2016. Following such an application, the Court will conduct a screening of Plaintiff's complaint pursuant to 28 U.S.C. § 1915. To date, the Court has not issued its screening order in this matter and will do so in due course. Therefore, Plaintiff's request to waive service of summons is premature.

Plaintiff's motion to withdraw represents that Plaintiff's second Application to Proceed *In Forma Pauperis* (ECF No. 4) that was filed on September 9, 2016, was filed in error and Plaintiff now seeks to withdraw that application. The Court finds good cause to grant Plaintiff's request. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Request to Waive Service of Summons (ECF No. 3) is **denied** without prejudice as premature.

IT IS FURTHER ORDERED that Plaintiff's Motion to Withdraw his Application for Leave to Proceed *In Forma Pauperis* (ECF No. 10) is **granted**.

DATED this 28th day of August, 2017.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge